

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:00-CR-20-BO-1


UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
ANTHONY SHAWN BATTLE)	

This matter is before the Court on Mr. Battle's pro se Motion, in letter form, requesting that the Court run his federal sentence concurrent with his later-imposed state sentence [DE 34]. The United States responded with a Motion to Dismiss on July 27, 2012 [DE 37]. Because the Bureau of Prisons has not yet computed Mr. Battle's sentence, and Mr. Battle has not yet challenged that computation, Mr. Battle's Motion is DENIED WITHOUT PREJUDICE, with permission to refile the Motion, if appropriate, after the Bureau of Prisons has made a final determination regarding Mr. Battle's entitlement to prior custody credit against his federal sentence and after Mr. Battle has exhausted his administrative remedies.

The Attorney General, through the Bureau of Prisons, has responsibility for imprisoning federal offenders and for administering their sentences. *See* 18 U.S.C. § 3621. The Bureau of Prisons utilizes its own procedures for computing jail-time credit determinations. *United States v. Wilson*, 503 U.S. 329, 335 (1992). After a determination has been made by the Bureau of Prisons, a prisoner may seek administrative review of the computation of his credits. *See* 28 C.F.R. §§ 542.10-542.18. After exhausting his administrative remedies, a prisoner may then seek judicial review of the computation. *Wilson*, 503 U.S. at 335. Mr. Battle's Motion has been forwarded to the Bureau of Prisons for review and the Bureau of Prisons is evaluating whether to

grant Mr. Battle *nunc pro tunc* designation [DE 38 at 5]. Therefore, Mr. Battle's Motion is DENIED WITHOUT PREJUDICE, with permission to refile the Motion, if appropriate, after the Bureau of Prisons has made a final determination regarding Mr. Battle's entitlement to prior custody credit against his federal sentence and after Mr. Battle has exhausted his administrative remedies.

SO ORDERED, this the 3 day of August, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE